REMARKS

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rakavy, et al. (U.S. Patent No. 6,324,644, hereinafter, "Rakavy"). By this amendment, independent claims 1, 10 and 22 are amended without adding any new subject matter. As amended, the method of claim 1 calls for "selectively loading either a first module of the basic input/output system (BIOS) or a second module of the basic input/output system based on a system state that indicates a connection to a network." Support for this limitation may be found on page 10, line 7 onwards in Figure 4 of the Applicant's specification. The method of claim 1 further includes executing the first basic input/output system module and dynamically linking to the second basic input/output system module. However, the Rakavy reference fails to teach or suggest selectively loading either a first or a second module of the basic input/output system based on a system state that indicates a connection to a network. Therefore, Rakavy does not anticipate claim 1.

Instead, Rakavy teaches loading and executing a first basic input/output system on a CPU in real mode and loading and executing a second basic input/output system on the CPU in protected mode after execution of the portion of the first basic input/output system. Thus, the Rakavy reference does not disclose the selective loading feature based on the system state, which indicates a connection to a network. Loading and executing taught by Rakavy occurs in two different modes (real and protected) that has nothing to do with system state that indicates a connection to a network which corresponds to selective loading of a first or a second module of the basic input/output system, as claimed in claim 1. Since the Rakavy reference does not disclose all the limitations of rejected claim 1, expressly or inherently, the Rakavy teachings do not anticipate claim 1.

Specifically, depending upon a first system state indicating whether or not the system is connected to a network, a first, or a second BIOS module may be loaded and executed. If a different system state exists, a second module may be loaded and may then be executed. Thus, depending on the system state, either a first or a second module may be loaded and executed.
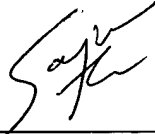
The Rakavy reference fails to teach this limitation. However, these modules may or may not be distributed with respect to one another. Therefore, for at least this reason alone, claim 1 is not anticipated by Rakavy and is in condition for allowance. The Examiner is respectfully requested to reconsider the § 102 rejection of claim 1 and the claims depending therefrom.

Based on this rationale, independent claims 10 and 22, as now amended, are also patentably distinguishable over the cited art. The Examiner is respectfully requested to reconsider their rejections as well. In this manner, claims 1-30 are in condition for allowance, which is respectfully requested of the Examiner. The rejections pertaining to the dependent claims by the Examiner has been noted, however, to the extent that characterizations of the cited reference as to the Applicant's claimed subject matter are not specifically addressed, it is to be understood that the Applicant does not acquiesce to such characterizations, especially in light of the arguments presented above. For the reasons set forth above, the rejection of independent claims 10 and 22 is improper and Applicant respectfully requests the Examiner to reconsider these rejections. The Examiner is however requested to consider all pending claims.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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